

EXHIBIT 13

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY
DOCKET NO. MID-1748-17AS

ROSALIND HENRY and FREDRICK C.)
HENRY,) TRANSCRIPT OF
Plaintiffs,) PROCEEDINGS
v.) TRIAL
BRENNTAG NORTH AMERICA, INC,) (VOLUME XII)
et al.,)
Defendants.)

Wednesday, October 10, 2018
8:35 a.m.
Middlesex County Courthouse
New Brunswick, New Jersey

B E F O R E:

H O N O R A B L E A N A C. V I S C O M I, JSC

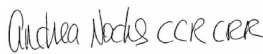
REPORTED BY: ANDREA F. NOCKS, CCR, CRR

Job No. NJ3024662

<p style="text-align: right;">Page 2780</p> <p>1 you said you could do justice, you could do the hard 2 job of holding the plaintiffs to their burden of 3 proof. And they have the burden to actually prove 4 their case, not with more witnesses, not with more 5 evidence, but with credible, persuasive, believable 6 evidence. 7 And you told us in jury selection, 8 all the jurors that came in, that you could do the 9 hard job and set sympathy aside and decide this case 10 based on the evidence. And it's hard in a case like 11 this. Those of you, many of us have had people in 12 our own families who have suffered from cancer, have 13 died from cancer, and it's horrible. And we 14 wouldn't be human if our hearts didn't ache for 15 Mrs. Henry. But you are here because you could do 16 the hard job and set sympathy aside and decide the 17 case on the evidence. 18 I submit to you the plaintiffs 19 haven't come close to proving their case on the 20 evidence. They think they can get a jury to believe 21 any kind of case when you have a big company and a 22 sick individual. Who cares about big companies, 23 right? But big companies, they're made of people 24 like you and me. They have families. They try to 25 do the right thing. And you saw what J&J did before</p>	<p style="text-align: right;">Page 2782</p> <p>1 vendors who try to convince us that the knock-off 2 goods are really real. We've seen telephone scams, 3 credit card scams, insurance fraud. We've seen it 4 all here. 5 And maybe they can get some jurors to 6 believe a case like this, but maybe not this jury. 7 Because here in New Jersey we're not that naive. 8 We're not that gullible. And maybe some of you saw 9 what was going on right from the beginning. 10 Their first witness, Dr. Longo, he 11 talked about all of the cases plaintiffs' lawyers 12 have sued on and he's testified in. Brake pads, 13 ceiling tiles, insulation, flooring. And then he 14 said, but they don't make those products anymore. 15 They ran out of people to sue. The money machine, 16 the plaintiffs' lawyers and their highly paid \$30 17 million expert, they ran out of people to sue. 18 So what did they do? Let's repackage 19 an issue analyzed and debunk, discredit it. 50 20 years ago you heard there was newspaper reports 21 about a couple of scientists who found asbestos in 22 talcum powder and you heard they were mistaken. 23 They used the wrong test. It was wrong. The FDA 24 looked into it, outside experts looked into it, 25 debunked.</p>
<p style="text-align: right;">Page 2781</p> <p>1 there was any regulations, before there was 2 industry, other people in the industry doing it, 3 testing and testing using all kinds of methods, 4 sending their talcum powder out to third party 5 experts to make absolutely sure it was safe for 6 babies and for people to use. Doing the right 7 thing, the right way, years before there was any 8 regulations or any standards. 9 But yet I submit to you the 10 plaintiffs' lawyers think that they can get a jury 11 to believe any kind of case, even without evidence, 12 if you've got a big company and an individual 13 plaintiff. But maybe not this jury. Maybe not this 14 jury. 15 Because we here in New Jersey, 16 particularly here in Central Jersey, we're a pretty 17 skeptical bunch. We're not that naive and we're not 18 that gullible, and we're used to, in the state, a 19 long line of people coming in here trying to scam 20 people for money, right? We've got the Atlantic 21 City casinos where the odds are always rigged in 22 favor of the house. We've got the boardwalk games 23 where the games are always kind of rigged against 24 you. We have psychics, the fortune tellers, the 25 flim flam man, the three card monte, the flea market</p>	<p style="text-align: right;">Page 2783</p> <p>1 But these lawyers looking for new 2 targets, how can we repackage and sell to juries 3 this issue that was discredited and debunked 50 4 years ago? And who's the biggest target? This is 5 false 50 years ago. They admitted these testings 6 were false. But who's the biggest target? J&J. 7 Big company. Consumer product used by millions of 8 people. Gosh, if we can get jurors to believe 9 there's asbestos in talcum powder, that's a money 10 train that will go on forever. They think they can 11 get a jury to believe any kind of case. 12 And so they manufactured a case. 13 Lawyers yelling there's asbestos in your talcum 14 powder, cross-examining Dr. Hopkins, the company 15 witness for four hours, yelling asbestos, your 16 document says asbestos, asbestos. That doesn't make 17 it so. Plaintiffs' lawyers yelling doesn't make it 18 so. Misleading, cherry-picking lines out of company 19 documents to mislead you about what they really say. 20 That's not evidence. And you saw some examples of 21 that. 22 Mr. Swett, in his opening statement, 23 says oh, J&J had a process to wash the asbestos out 24 of their talcum powder. Try and convince you, oh, 25 there was asbestos in it. And he showed you this</p>

<p style="text-align: right;">Page 2796</p> <p>1 statement that Andrea, our court reporter, is very 2 good typing up everything that happens here, and the 3 opening statement Mr. Swett says, "But when you 4 compare how many times she was using Johnson's Baby 5 Powder with the Cashmere Bouquet, you'll see she 6 used a lot more Johnson & Johnson." 7 After telling your experts she used 8 Cashmere Bouquet for 40 years and Johnson & Johnson 9 for ten? Come on. They'll say anything for money. 10 The truth doesn't matter, the facts don't matter, 11 the evidence doesn't matter. It's a big company. 12 They think you won't care about justice. Come on. 13 She told all of their experts she 14 used it once a day, twice a day. Remember Dr. Longo 15 in that little bathroom inhaling it with her 16 sisters, clouds of dust of Cashmere Bouquet. And 17 then they get up and open and said oh no, never 18 mind, it's Johnson & Johnson she used the most. 19 They think they can get a jury to believe anything 20 against a big company. 21 And Mrs. Henry, she said only a 22 little bit. A little bit of Johnson's Baby Powder. 23 And even the ten years that they told their experts 24 that Mrs. Henry used Johnson & Johnson Baby Powder, 25 forget about they try to get even more about the</p>	<p style="text-align: right;">Page 2798</p> <p>1 million dollars just last year, and Dr. Finkelstein 2 a million over the last two years testifying again 3 and again and again for plaintiffs' lawyers, 4 including these lawyers, in lawsuits for money, 5 asbestos lawsuits. 6 And Dr. Longo is such a sure thing 7 that every plaintiffs' lawyer in the country lists 8 him in asbestos litigation without even talking to 9 him 'cause they know he's going to deliver the 10 expected evidence. And you heard that Dr. Longo had 11 never -- think about that. There's a lot of 12 companies that make talcum powder and powders. 13 There's labs all over this country, all over this 14 world who have experience in testing talcum powder 15 for all kinds of things, including asbestos. They 16 go to a guy who's never tested talcum powder before, 17 has no experience in testing talcum powder. He 18 never did it before being hired by plaintiffs' 19 lawyers in lawsuits for money. 20 And then you hear he came up with 21 this method not adopted or approved by any 22 Government agency. He said he used Dr. Blount's 23 method. But then you heard he changed it. And he 24 did this concentration method that you heard a lot 25 about. And they claim it's a more sensitive method.</p>
<p style="text-align: right;">Page 2797</p> <p>1 dogs in 1990 and all, but you heard she stopped 2 buying Johnson & Johnson Baby Powder in 1974, '75. 3 That's uncontroverted, her testimony. Which makes 4 sense because her kids are both out of diapers by 5 then. She didn't buy anymore baby powder. 6 And even the ten-year period that 7 they told their experts about doesn't really add up 8 either because as Miss Brown pointed out with 9 Dr. Maddox, she didn't even have a baby in 1967. He 10 wasn't born until December 28. And you heard 1968 11 her mother was watching the kid. Even Mr. Henry 12 finally had to admit her mother was watching the 13 baby nine or ten months out of the year. She 14 acknowledged her kids were out of diapers once they 15 were two or three and she had two sons and so she 16 stopped buying it in '75. 17 So at most, she got five or six 18 years, if you believe she used Johnson & Johnson 19 Baby Powder, using it to diaper her children, and 20 Cashmere Bouquet for more than 40. Her mother used 21 it on her when she was a baby all through 1990. 22 I want to talk a little bit more 23 about these guys. Dr. Longo, he said, oh no, I 24 didn't make \$30 million, my lab did. But then you 25 heard he owns most of the lab. Dr. Maddox make a</p>	<p style="text-align: right;">Page 2799</p> <p>1 But you saw the evidence. That's not the truth. 2 The FDA rejected it because it doesn't pick up the 3 two most common forms of asbestos, chrysotile and 4 anthophyllite. 5 And he agreed that no Government 6 agency uses his method, and that the FDA had an 7 issue with the concentration method because it made 8 it difficult to discern chrysotile. Most popular 9 form of asbestos. And anthophyllite. Didn't pick 10 up low iron anthophyllite either. 11 And then they did this lawyer trick, 12 right. They had papers clips and the jewelers' 13 scale, right, to say oh, the testing that J&J and 14 the FDA and every expert in the world did wasn't 15 sensitive enough, only Dr. Longo knows how to do the 16 test. And they put paper clips on the bathroom 17 scale and on a jewelers' scale. But you know what, 18 we could all see with our eyes that there were paper 19 clips on that scale, right? We saw with our eyes 20 because there's multiple tools to find things. 21 And that's the point. J&J didn't 22 just use one tool. They used the X-ray detection 23 technology, the polarized light microscopy and the 24 TEM and other things. So one thing doesn't pick it 25 up, something else does.</p>

<p style="text-align: right;">Page 2804</p> <p>1 the years she would have used it has asbestos in it 2 'cause Mrs. Henry, you remember, said she stopped 3 buying baby powder in 1974 or '75. All of the 4 bottles Dr. Longo tested were after '75. So no 5 evidence in any of her bottles and no evidence they 6 even tested bottles in the years she used it. 7 And all of the bottles came from 8 plaintiffs' lawyers who have lawsuits against 9 Johnson. We're a big target now. They ran out of 10 other people to sue. You heard them talk about 11 other lawsuits. 1-800 call, we'll sue. Whether 12 it's right or not. 13 And you heard Judge Viscomi give you 14 a stipulation or response to one of your questions 15 that one of the bottles is from Mr. Panatier's firm. 16 He was the guy grilling Dr. Hopkins on video for 17 days. He's got lawsuits against J&J. Other 18 bottles, Lanier firm, he was the one asking 19 Dr. Blount questions, having dinner with her, was 20 paying for, bottles came from him. Still say, oh, 21 this one came from J&J, but yeah, we had to send it 22 to the Lanier law firm first and he sent it opened 23 to Dr. Longo. Also another law firm that has 24 lawsuits against J&J. That's the bottles he 25 testified. And he admitted, not all the -- oh, I'm</p>	<p style="text-align: right;">Page 2806</p> <p>1 have to have exposure data, they have to prove that 2 Mrs. Henry was exposed to asbestos in the way she 3 used the talc. And here's a perfect example of how 4 they think they can get a jury to believe anything 5 when you have a big company as a target. Did 6 Dr. Longo and the plaintiffs' lawyers do an exposure 7 study that has anything to do with the way 8 Mrs. Henry used the product? 9 They could have got a baby doll. 10 Dr. Longo talks about how he does this in his lab 11 all the time. A baby doll and diaper the doll and 12 done sampling like they did in this below-the-waist, 13 and actually brought you some proof if there was 14 any. But no, they took an old study they did for 15 somebody else, for some other plaintiff, using a 16 bottle from an Italian mine, having nothing to do 17 with the bottle she used, 70 or 80 years old, 18 different kind of mine, different kind of bottle, 19 and used in a completely different way. 20 Their exposure study to try to prove 21 that Mrs. Henry was exposed to asbestos was done by 22 Dr. Longo on a man putting the powder in his bikini 23 underwear. You heard that. That's their exposure 24 evidence. Has nothing to do with how Mrs. Henry 25 used it. They think they can get a jury to believe</p>
<p style="text-align: right;">Page 2805</p> <p>1 sorry. All the bottles were after '74, '75. All 2 after the time Mrs. Henry would have used it. 3 And where did he get some of the 4 bottles? Well, you heard, plaintiffs got it from 5 eBay. From sellers like The Cat in the Hat, Hot 6 Momma 69. And nobody knows where those people kept 7 those bottles. They could have -- and you heard 8 Dr. Longo admit the only sealed bottle he tested, 9 the only one that wasn't opened, the only one that 10 didn't come from plaintiffs' lawyers, the only one 11 he bought off the shelf had no asbestos. Of course 12 not. 'Cause there's no asbestos in Johnson & 13 Johnson's talcum powder, no matter how many times 14 they yell it. 15 And you heard about possible 16 contamination. When you've got bottles laying 17 around for decades, you buy on eBay, you have no 18 idea where they are. And you heard the bottle holes 19 are much bigger than the asbestos fibers so things 20 can get contaminated. And then you heard they found 21 richterite in one. No one's even claiming there's 22 richterite in the Vermont talc mines. Richterite is 23 an attic insulation, so we know there's 24 contamination in the bottles they tested. 25 And the linchpin of their case, they</p>	<p style="text-align: right;">Page 2807</p> <p>1 anything. Big company, who cares about them? We 2 don't care about justice. We'll give her some 3 money. She's sick. 4 They've got no evidence, they brought 5 you nothing in terms of how Mrs. Henry actually used 6 this product. And they could have. That's easy to 7 do. Dr. Longo does it all the time. But they think 8 they can get a jury -- even Dr. Maddox agreed, I 9 don't have a specific reference to her using it 10 exactly that way. No. She wasn't a guy throwing it 11 in her underwear. She put it on her babies. 12 And Dr. Maddox, they brought you this 13 pathologist, right, highly paid, testifies 14 frequently for plaintiffs' lawyers. And then you 15 heard he didn't review the key pathology, and this 16 is important in terms of objective evidence, they 17 could have brought you but didn't. They have the 18 burden of proof. 19 You heard that mesothelioma, you can 20 find evidence in the overwhelming majority of cases, 21 more than 70 percent, you can find evidence of 22 asbestos exposure because when people breathe in all 23 of these fibers of asbestos, people that are working 24 where they make asbestos products, when you breathe 25 in a lot of asbestos your lungs have to work so hard</p>

<p style="text-align: right;">Page 2980</p> <p>1 preserve our objection, I don't believe Mr. Swett 2 came close to curing misrepresenting the record on 3 the issue of when he said, put up on the bullet 4 point that her doctors told her that her meso was 5 from asbestos. 6 THE COURT: Thank you. I 7 particularly paid attention to that and I felt that 8 it was sufficient. But your objection is preserved. 9 MS. SULLIVAN: Thank you. 10 THE COURT: Do you want to make any 11 statement on the record with regard to that? 12 MR. SWETT: No, your Honor. The 13 transcript will speak for itself and your Honor's 14 decision will stand. 15 THE COURT: So I'm reviewing the rest 16 of the summation for the issue that was raised with 17 regard to your closing statement, and then with 18 regard to the plaintiffs as to the comment relative 19 to Dr. Swett -- 20 MS. SULLIVAN: Dr. Diette. 21 THE COURT: Dr. Swett. 22 MR. FINCH: He went to medical school 23 after he went to military school. 24 THE COURT: Hey, you might become 25 Dr. Quincy. I can't believe you found that little</p>	<p style="text-align: right;">Page 2982</p> <p>1 CERTIFICATE OF OFFICER 2 3 I CERTIFY that the foregoing is a true 4 and accurate transcript of the testimony and 5 proceedings as reported stenographically by me at 6 the time, place and on the date as hereinbefore set 7 forth. 8 I DO FURTHER CERTIFY that I am neither 9 a relative nor employee nor attorney or counsel of 10 any of the parties to this action, and that I am 11 neither a relative nor employee of such attorney or 12 counsel, and that I am not financially interested in 13 the action. 14 15  16 _____ 17 ANDREA NOCKS, CCR, CRR 18 Certificate No. XI001573 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 2981</p> <p>1 picture of him, Quincy and his assistant. What was 2 his assistant's name? 3 MS. SULLIVAN: Mr. -- 4 THE COURT: He probably knows. All 5 right. So I'll see you tomorrow morning. 6 (Sidebar ends.) 7 (Proceedings adjourn at 4:07 p.m.) 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	